

REMARKS/ARGUMENTS

Claims 33, 35-40, 43-45 and 50-75 are active.

Claim 33 is amended to clarify the maximum length of the sequence in accordance with the disclosure on page 5, last two lines.

Claim 45, while withdrawn due to the Restriction, has been retained for the Office's consideration of rejoinder.

All non-elected species have been retained so that pursuant to Applicants prior request in the Response to Restriction, the Office can expand its search and consideration to all species found in the claims.

No new matter is added.

Applicants thank Examiner Heard for the courtesy of discussing this case with their undersigned representative on August 12, 2009. During this discussion, an amendment to Claim 33 was discussed and is largely the same as that presented in this paper.

The rejection raised under 35 USC 112, second paragraph is believed to be no longer applicable. That is, as outlined in the rejection, the alleged conflict was between the lower limit of 5 amino acid residues and the presence of hexamer (6) peptides. That lower limit has been removed to avoid any perceived confusion.

Accordingly, withdrawal of the rejection is requested.

Claims 30, 33, 35, 36, 38, 43, 44 and 73 are rejected under 35 USC 103(a) in view of Homburger.

Homburger is cited because a larger sequence (SEQ ID NO:32985) includes SWERFT amongst a sequence of about 140 amino acids and claim 33 includes the transitional phrase "comprises." Homburger, however, does not describe a compound as in the claims which is not more than 15 amino acids in length (see, e.g., the sequence cited in

the text bridging pages 3-4 of the Official Action). Nor does Homberger provide any reasonable suggestion for the limitation of antibody binding.

In view of the above and the amendments submitted here, withdrawal of the rejections is requested.

The rejection applied to Claims 37, 39 and 40 under 35 USC 103(a) citing Homburger Bergstrom and Abadie is also not applicable to the claims. The deficiencies of Homburger should now be apparent from the discussion above.

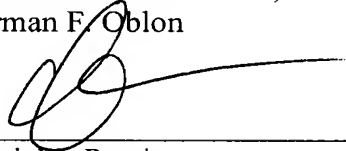
Bergstrom and Abadie are cited for the limitations presented in the rejected dependent claims. However, neither Bergstrom nor Abadie suggest the specific sequences recited in independent claim 33 and neither of these citations teach the compound consists of not more than 15 amino acid residues and binds to an antibody specific for DAEFRH (SEQ ID NO: 1).

Withdrawal of this rejection is requested as well.

There be no further issues, a Notice of Allowance is requested.

Respectfully submitted,

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